

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-232-RJC**

BARRY W. LANCETT,

Appellant,

v.

WARREN L. TADLOCK,

Appellee.

ORDER

THIS MATTER comes before the Court on Appellant Barry W. Lancett's Motion for Emergency Stay of Sale (Doc. 1) filed on May 6, 2014. On May 6, 2014, Appellant filed in this Court a Notice of Appeal from Bankruptcy Court. (Doc. 1). Included in such motion was a Request for Emergency Stay of Sale and Request for Expedited Hearing. (*Id.*). Specifically, Appellant sought an order from this Court under Rule 60 of the Federal Rules of Civil Procedure temporarily staying the foreclosure sale of his home located at 1314 Grayscroft Drive, Waxhaw, North Carolina, pending resolution of the appeal. The foreclosure sale was scheduled to take place on May 6, 2014 at 12:30 p.m.

The Court has reviewed the instant request and finds that it can offer no relief to Appellant on its motion. The timing of the motion prevented the Court from having an opportunity to review the merits of the motion prior to the occurrence of events at issue. The date of the foreclosure sale having passed, the Court declines to issue an emergency stay of foreclosure as the issue is now moot. Accordingly, Appellants Motion for Emergency Stay (Doc. 1) is denied.

Signed: May 16, 2014



Robert J. Conrad, Jr.

